

## OFFICIAL COPY

Fresno, California

September 20, 2005

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Jerry Duncan	Acting Council President
	Henry Perea	Councilmember
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Mike Dages	Council President

Andy Souza, City Manager  
 Hilda Cantu Montoy, City Attorney  
 Becky Klisch, City Clerk  
 Yolanda Salazar, Assistant City Clerk

Pastor Roy Mitchell of Open Door Ministries gave the invocation, and Councilmember Sterling led the Pledge of Allegiance.

#### SPCA PET OF THE MONTH - COUNCILMEMBER CALHOUN

The pet of the month available for adoption, a 2 month old female lab mix, was presented.

#### PRESENTATION OF FRESNO AREA EXPRESS (FAX) DRIVER APPRECIATION AWARDS

Presented.

#### PROCLAMATION OF FRESNO TRUCK CENTER DAY - PRESIDENT DAGES

Read and presented.

#### PROCLAMATION OF SICKLE CELL DISEASE AWARENESS MONTH - COUNCILMEMBER STERLING

Read and presented.

#### PRESENTATION OF THE POLICE DEPARTMENT "SAVED BY THE BELT" AWARD TO AT NAUK - COUNCILMEMBER WESTERLUND

Presented.

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#### **APPROVE MINUTES OF AUGUST 30, 2005:**

On motion of Councilmember Westerlund, seconded by Councilmember Sterling, duly carried, RESOLVED, the minutes of August 30, 2005, approved as submitted.

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#### **COUNCIL MEMBER REPORTS AND COMMENTS:**

ATTENDANCE AT EVENTS AND COMMENDATIONS TO (1) PHIL & PAT RIVERA ON THEIR 20<sup>TH</sup> ANNIVERSARY OF FEEDING THE HOMELESS IN ROEDING PARK; (2) THE "SPIRIT OF WOMAN" GRADUATION CEREMONY; (3) HABITAT FOR HUMANITY ON THEIR 50<sup>TH</sup> ANNIVERSARY; AND (4) HER NEWS STORY ON CHANNEL 24 AND THANK YOU TO ALL FOR CONCERN EXPRESSED FOR HER FAMILY MEMBERS AND FOR ALL HURRICANE KATRINA VICTIMS - COUNCILMEMBER STERLING

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Commendations and thank you extended.

(1) ATTENDANCE AT OPEN HOUSE FOR JOHANSEN TRANSPORTATION COMPANY IN DISTRICT 4, AND (2) REQUEST TO STAFF TO SCHEDULE ON THE AGENDA AN UPDATE REPORT ON KRONOS/COGNOS IMPLEMENTATION AND THE 3-1-1 CALL CENTER - COUNCILMEMBER WESTERLUND

Councilmember Westerlund commended Johansen Transportation on their new headquarters, and relative to the Kronos/Cognos and 3-1-1center City Manager Souza stated he would provide updates by tray memo this week.

COMMENDATIONS TO (1) CODE ENFORCEMENT STAFF FOR THE TIRE AMNESTY DAY HELD AT CALWA PARK, (2) THE FIRE DEPARTMENT FOR COOKING A CHILE VERDE DINNER FOR SENIORS AT THE SENIOR CITIZENS VILLAGE IN CELEBRATION OF MEXICAN INDEPENDENCE DAY; (3) STAFF FOR THE SIDEWALK INSTALLED ON PEACH AVENUE BETWEEN CALIFORNIA AND FLORENCE; (4) A NEW APPLIANCE STORE BUSINESS IN SOUTHEAST FRESNO ON THEIR GRAND OPENING, AND (5) STAFF FOR SOUTHEAST FRESNO CFD CLEAN-UP WORK - PRESIDENT DAGES

REQUEST CITY MANAGER ASSIST IN GETTING FINE RIVER TRUCK SCHOOL/MILLER TRUCKING COMPANY INTO COMPLIANCE - PRESIDENT DAGES

President Dages advised he has been trying to get the business into compliance since 2001, the company was a nuisance, and requested the city manager's assistance and submitted written information on the complete history of the issue to the city manager.

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#### **APPROVE AGENDA:**

(2-A) CONSIDER MAYOR AUTRY'S REQUEST FOR RECONSIDERATION OF AWARD OF A CONTRACT TO BOWEN ENGINEERING AND ENVIRONMENTAL FOR BUILDING DEMOLITION AT 800 AND 808 "M" STREET (Continue to September 27, 2005)

Continued as noted.

(10:00 A.M. #1) HEARING TO CONSIDER ALTERING THE SERVICES, THE SPECIAL TAX, AND THE APPROPRIATIONS LIMIT FOR CFD NO. 2, ANNEXATION 61, FINAL TRACT 4598 (Continue to September 27, 2005, at 10:15 a.m.)

Continued as noted.

(10:30 A.M.) HEARING ON AMENDMENTS TO THE MASTER FEE SCHEDULE (RES. 80-420) TO ADD AND ADJUST VARIOUS DEPARTMENT OF PUBLIC UTILITIES COMMUNITY SANITATION, SOLID WASTE, WASTEWATER AND WATER FEES (Continue to October 4, 2005, at 2:30 p.m.)

Continued as noted.

(4:30 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

(A) CONTINUED DELIBERATION ON THE CONVENTION CENTER REDEVELOPMENT PLAN

1. FINDING THAT THE PROPOSED PLAN AMENDMENTS, AS REFLECTED BY THE AMENDED PLAN, CONFORM TO THE FRESNO GENERAL PLAN AND ADOPTING THE ENVIRONMENTAL FINDING OF CONFORMITY/MEIR PREPARED FOR THE 2025 FRESNO GENERAL PLAN FOR E.A. NO. RDA 2005-1 (JOINT ACTION)

2. FINDING THAT THE CONVENTION CENTER REDEVELOPMENT PLAN, AS PROPOSED TO BE AMENDED, IS CONSISTENT WITH THE FRESNO GENERAL PLAN INCLUDING BUT NOT LIMITED TO THE HOUSING ELEMENT OF THE GENERAL PLAN (JOINT ACTION)

3. BILL - AMENDING THE REDEVELOPMENT PLAN FOR THE CONVENTION CENTER REDEVELOPMENT PROJECT AREA (COUNCIL ACTION) (Continue to October 4, 2005, at 4:30 p.m.)

Continued as noted.

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**(9:00 A.M. "A") PUBLIC COMMENT PERIOD - SCHEDULED COMMUNICATION:**

**1. APPEARANCE BY JOE AND COE SAHAKIAN REGARDING DISCUSSION OF CODE ENFORCEMENT**

**-and-**

**2. APPEARANCE BY ERIC WARDWELL TO REQUEST COUNCIL ACTION RELATING TO ILLEGAL ALLEY DUMPING AND HOMEOWNERS' RESPONSIBILITY FOR KEEPING ALLEYS CLEAN**

City Clerk Klisch advised the speakers in both #1 and #2 above indicated they would not be able to appear and were requesting they be rescheduled for next week whereupon the appearances were laid over. \*\*Note - In the afternoon session Mr. Wardwell was present and "public comment" was reopened to allow him to speak.

**(2:00 P.M. #1-B) RECOMMEND APPROVAL OF A \$50,000 ALLOCATION TO THE COMMUNITY HOUSING COUNCIL FOR THE CREATION OF THE FRESNO HOUSING RESOURCE CENTER, A ONE-STOP CENTER FOR FIRST-TIME HOME-OWNERSHIP AND OTHER HOUSING RESOURCES TO BE LOCATED AT MANCHESTER CENTER - COUNCILMEMBER BOYAJIAN**

City Clerk Klisch clarified the item was pulled by Councilmember Calhoun at the 8/30/05 meeting and not Councilmember Boyajian, advised this was the wrong title and a duplicate of Consent Item 1-Z, and stated although the material in Council's packet was titled correctly the item was being laid over one week to due to the incorrect agenda title. So noted.

**CANCELLATION OF THE NOVEMBER 8, 2005, CITY COUNCIL MEETING**

Councilmember Boyajian stated November 8<sup>th</sup> was Election Day and Council meetings are not usually held that day and made a motion to cancel the November 8<sup>th</sup> meeting.

On motion of Councilmember Boyajian, seconded by Councilmember Duncan, duly carried, **RESOLVED**, (1) the November 8, 2005, City Council meeting cancelled due to Election Day, and (2) the **AGENDA** hereby approved, *as modified*, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes	:	None
Absent	:	None

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**EMPLOYEE SERVICE AWARDS SCHEDULED FOR WEDNESDAY, NOVEMBER 9, 2005 - COUNCILMEMBER WESTERLUND**

Upon question of Councilmember Westerlund City Clerk Klisch advised there was going to be a change in the Employee Service Awards process in that awards are going to be presented on a Wednesday instead of the Tuesday City Council forum, and advised the matter was listed on the agenda hearing schedule so employees would have advance notice.

**ADOPT CONSENT CALENDAR:**

Barbara Hunt, 2475 S. Walnut, spoke to contamination issues and g rants for Chandler Airport; relative to **1-F** expressed groundwater concerns, and spoke to **1-O** and in opposition to MOUs.

Gloria Torrez stated consent items were not routine and needed separate public hearings and; expressed concerns with Item **1-D** including the checklist for FAX and FAX usually funding programs when they are included, and questioned what would be manufactured at the facility and if the facility would be located on a native Indian burial site; and relative to **1-L** questioned the reimbursement requirement since grant funds were not fully utilized.

Alex Correa, FCEA business representative, spoke to Item **1-O** including the contract negotiation process and their concerns, and thanked the City's and FCEA's negotiating team members and Bruce Rudd for their professionalism and good work in carrying out the negotiations.

Councilmember Calhoun pulled Items **1-C**, **1-V** and **1-Y**, Councilmember Boyajian pulled Items **1-G**, **1-I**, **1-BB** and **1-DD**, and Councilmember Westerlund pulled Items **1-K** and **1-W** from the Consent Calendar for discussion at 2:00 p.m.

**(1-A) APPROVE INTERDEPARTMENTAL USE AGREEMENT BETWEEN THE AIRPORTS DEPARTMENT AND THE DEPARTMENT OF PUBLIC UTILITIES WATER DIVISION**

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**(1-B) RESOLUTION NO. 2005-384** - AUTHORIZING THE DIRECTOR OF AVIATION TO ACQUIRE THREE PARCELS OF LAND TOTALING 78,779.40 SQUARE FEET ADJACENT TO THE CHANDLER EXECUTIVE AIRPORT FOR PUBLIC PURPOSES

**(1-D) RESOLUTION NO. 2005-385** - ADOPTING A FINDING OF A MITIGATED NEGATIVE DECLARATION FOR THE CONSTRUCTION OF A CONSOLIDATED RENTAL CAR FACILITY AT FRESNO YOSEMITE INTERNATIONAL AIRPORT

**(1-E)** APPROVE EXTENSION NO. 4 TO THE TEMPORARY USE PERMIT ISSUED TO FACILITY SERVICES & SYSTEMS TO OCCUPY PREMISES AT FRESNO YOSEMITE INTERNATIONAL AIRPORT

**(1-F) RESOLUTION NO. 2005-386** - INTENT TO ADOPT THE FRESNO AREA REGIONAL GROUNDWATER MANAGEMENT PLAN, AND AUTHORIZING THE DIRECTOR OF PUBLIC UTILITIES TO SIGN ON BEHALF OF THE CITY

**(1-H) RESOLUTION NO. 2005-387** - AUTHORIZING THE DIRECTOR OF AVIATION OR AUTHORIZED REPRESENTATIVE TO EXECUTE ALL IMPLICATED DOCUMENTATION FOR PRE-APPLICATION AND APPLICATION TO THE FAA FOR AIP GRANTS FOR FEDERAL FISCAL YEARS 2006 AND 2007 FOR BOTH FRESNO YOSEMITE INTERNATIONAL (FYI) AND CHANDLER EXECUTIVE AIRPORT; ACCEPTANCE OF FAA AIP GRANTS FOR PROJECTS AT BOTH AIRPORTS INCLUDING ALL SUBSEQUENT AMENDMENTS OFFERED BY THE FAA; AND APPLICATION FOR AND ACCEPTANCE OF GRANTS AND ALL SUBSEQUENT AMENDMENTS OFFERED BY THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AERONAUTICS DIVISION FOR MATCHING FUNDS ON 2006-2007 FAA-APPROVED PROJECTS AT CHANDLER

**(1-J) RESOLUTION NO. 2005-388** - AUTHORIZING THE PURCHASE OF A MOBILE VENTILATION UNIT WITH TANDEM WHEELED TRAILER FOR THE FIRE DEPARTMENT FROM TEMPEST TECHNOLOGY WITHOUT ADVERTISED COMPETITIVE BIDDING

**(1-L) RESOLUTION NO. 2005-389** - 19<sup>TH</sup> AMENDMENT TO AAR 2005-286 APPROPRIATING \$45,700 OF FEDERAL GRANT FUNDS FOR THE WEED AND SEED SOUTHEAST AND SOUTHWEST GRANT PROGRAMS

**(1-M) RESOLUTION NO. 2005-390** - 22<sup>ND</sup> AMENDMENT TO AAR 2005-286 APPROPRIATING \$79,500 OF THE COPS LOCAL LAW ENFORCEMENT BLOCK GRANT (LLEBG)

**(1-N)** APPROVE AN AGREEMENT TO AUTHORIZE THE CITY TO ENTER INTO A CONTRACT WITH THE 21<sup>ST</sup> DISTRICT AGRICULTURAL ASSOCIATION TO PROVIDE POLICE SERVICES AT THE 2005 FRESNO DISTRICT FAIR

**(1-O)** ADOPT MEMORANDUM OF UNDERSTANDING WITH THE FRESNO CITY EMPLOYEES ASSOCIATION (FCEA UNIT 3) COVERING THE PERIOD JULY 1, 2005 THROUGH JUNE 30, 208

**1. RESOLUTION NO. 2005-391** - 5<sup>TH</sup> AMENDMENT TO SALARY RES. 05-290 AMENDING EXHIBIT 3, NON-SUPERVISORY WHITE COLLAR (FCEA)

**(1-P)** APPROVE APPOINTMENT OF CHARLES DOWLING TO THE WEST AREA ADVISORY COMMITTEE - COUNCILMEMBER STERLING

**(1-Q)** ADOPT R.I. 1045-D TO VACATE A PORTION OF HARVEY AVENUE EAST OF CLOVIS AVENUE, AND SETTING THE PUBLIC HEARING FOR OCTOBER 25, 2005

**(1-R)** APPROVE A LETTER OF UNDERSTANDING WITH PG&E REGARDING THE UNDER GROUNDING OF THEIR FACILITIES AT THE SHAW/CEDAR INTERSECTION

**(1-S)** APPROVE CONTRACT CHANGE ORDER (CCO) NO. 4 FOR THE YOUTH BASEBALL COMPLEX PROJECT AT NEILSEN PARK TO INSTALL A COMPLETE SPORTS LIGHTING SYSTEM

**1. RESOLUTION NO. 2005-392** - APPROVING THE REALLOCATION OF \$221,900 IN PR&CS CAPITAL FUNDS TO COMPLETE FUNDING NEEDED FOR THE CCO

**(1-T)** APPROVE ACQUISITION OF A PERMANENT STREET EASEMENT FROM APN 463-210-03 AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO ENTER INTO A MOU WITH UNION PACIFIC RAILROAD LEADING TO THE ACQUISITION

OF EASEMENTS ACROSS APNs 310-010-16U, 310-010-17U AND 455-010-10U/11U FOR THE CLOVIS AVENUE PROJECT

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**(1-U)** APPROVE A CONTRACT FOR UTILITY RELOCATION ON FREEWAY 180 WEST WITH CALTRANS

**(1-X) RESOLUTION NO. 2005-393** - 20<sup>TH</sup> AMENDMENT TO AAR 05-286 RE-APPROPRIATING \$70,400 IN REMAINING SBC EXCELERATOR GRANT FUNDING AWARDED IN FY 2005 BY THE SBC CORPORATION FOR DEVELOPMENT OF THE FRESNO BUSINESS EDUCATION SERVICE TRAINING (BEST) PROGRAM AND EXPANSION OF NEIGHBORHOOD COMPUTER LABS

**(1-Z)** APPROVE A \$50,000 ALLOCATION TO THE COMMUNITY HOUSING COUNCIL FOR THE CREATION OF THE FRESNO HOUSING RESOURCE CENTER, A ONE-STOP CENTER FOR FIRST-TIME HOME OWNERSHIP TO BE LOCATED AT MANCHESTER CENTER

**(1-AA)** APPROVE A FIRE DISPATCH SERVICES CONTRACT WITH THE COUNTY OF FRESNO

**(1-CC) BILL NO. B-98 - ORDINANCE NO. 2005-101** - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO SOLID WASTE DISPOSAL, RECYCLING AND GREEN WASTE COLLECTION AND DISPOSAL, AND COST AND PENALTY RECOVERY

**(1-EE) BILL NO. B-100** - AMENDING THE FRESNO MUNICIPAL CODE BY REPEALING THE BIKE LICENSE REQUIREMENT

On motion of Councilmember Duncan, seconded by Councilmember Perea , duly carried, **RESOLVED**, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes	:	None
Absent	:	None

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**(9:00 A.M.) PUBLIC COMMENT - UNSCHEDULED COMMUNICATION:**

APPEARANCE BY GEORGE SALAZAR, 1921 W. DUDLEY, THANKING COUNCILMEMBER STERLING FOR (1) HUGHES AVENUE IMPROVEMENTS BETWEEN OLIVE AND NEILSEN, AND (2) FOR SENDING A LETTER TO THE SAN JOAQUIN VALLEY RAILROAD AND EXPRESSING HIS CONCERN WITH THE RAILROAD'S INACTION ON A PROBLEM ROAD

Appearance made with Councilmember Sterling stating her office would follow through.

APPEARANCE BY BARBARA HUNT REGARDING NEED TO HELP HURRICANE KATRINA VICTIMS AND SUPPORT FOR MAYOR AUTRY'S GULF COAST MISSION

Appearance made; no action taken.

APPEARANCE BY PAUL GARCIA (1) COMMENDING THE TIRE ABATEMENT PROGRAM, (2) EXPRESSING CONCERN WITH GARBAGE/TRASH ON ROADS IN CALWA, AND (3) REQUESTING A CITY OFFICIAL ATTEND A CEREMONY ON SEPTEMBER 28<sup>TH</sup> TO RECOGNIZE CALWA ELEMENTARY STUDENTS FOR RAISING \$1,400 FOR HURRICANE KATRINA VICTIMS

Appearance made; no action taken.

APPEARANCE BY GLORIA TORREZ IN SUPPORT OF MAYOR AUTRY'S HURRICANE VICTIM GULF COAST MISSION AND SPEAKING TO THE NEED PROVIDE BASICS TO THE VICTIMS AND HELP THEM BEYOND FEMA'S 3 MONTHS OF HELP

Appearance made; no action taken.

(1) LETTER FROM GUNNER AND ANDROS RELATIVE TO THEIR PROPOSAL FOR A HOTEL IN ARMENIAN TOWN AND REQUEST TO STAFF TO PLACE THEIR OFFER ON THE TABLE, AND (2) URGING THE FRESNO MEDICAL COMMUNITY TO COMPETE FOR FUNDING TO CONDUCT STEM CELL RESEARCH DUE TO THE NUMBER OF PROPER MEDICAL FACILITIES HERE - COUNCILMEMBER CALHOUN

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Requests made. Councilmember Boyajian concurred with the stem cell issue stating this was a tremendous initiative that the medical community needed to look into and added the city had a local tie with Robert Klein, Jr. who is in charge of the research.

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**(2-B) EMERGENCY ORDINANCE FOR INTRODUCTION AND ADOPTION**

**1. BILL NO. B-101 - ORDINANCE NO. 2005-102 - AMENDING THE FMC RELATING TO FLOOD PLAIN BUILDING REGULATIONS, AS CORRECTED**

Building and Safety Services Manager Bishop gave an overview of the issue, all as contained in the staff report as submitted.

Barbara Hunt, 2475 S. Walnut, spoke in support.

City Attorney Montoy stated her office had been working with the planning department and FEMA the past few days, advised a FEMA representative requested some minor revisions be made to the ordinance and explained, recommended the ordinance be adopted as corrected and added the corrected page would be submitted to the city clerk, and along with Planning & Development Director Yovino and Mr. Bishop responded to questions and/or comments of Councilmembers Boyajian and Calhoun relative to CEQA, the city not following CEQA, this being an environmental impact, how CEQA and this ordinance were related, and why this was considered an emergency.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the environmental document, a categorical exemption, prepared for this project hereby adopted, the statement of facts and finding that the proposed ordinance is necessary as an emergency measure to preserve the public peace, health and safety adopted, and the above entitled Bill No. B-101 adopted as Ordinance No. 2005-102, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

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**(3-A) REQUEST STAFF TO RETURN WITHIN FOUR WEEKS WITH AN INFORMATIONAL REPORT RELATING TO THE FUNDING AND OPERATION OF FIXED ROUTE FAX AND ON-DEMAND HANDYRIDE SERVICE - COUNCILMEMBER CALHOUN**

Councilmember Calhoun stated his memorandum to Council was self-explanatory and spoke to the exorbitant cost of the Handyride program and stated he wanted an explanation on why the cost was so high along with answers to the questions included in his report.

**(3 - 0)** On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, staff to return within four weeks with an informational report relating to the funding and operation of fixed route FAX and on-demand Handyride service, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

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**(9:30 A.M.) APPROVE AGREEMENT WITH THE ECONOMIC DEVELOPMENT CORPORATION SERVING FRESNO COUNTY (EDC) FOR FY 2006, IN AN AMOUNT NOT TO EXCEED \$198,000**

Assistant City Manager Ruiz reviewed the issue as contained in the staff report as submitted and recommended approval.

Barbara Hunt, 2475 S. Walnut, questioned why the funds were not going to the city's economic development department.

Councilmember Calhoun expressed his support, thanked all parties stating this was an example of accountability on everyone's part, added he liked the incentive clause and looked forward to continued refinement, and made a motion to approve staff's recommendation.

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Lengthy discussion ensued. Councilmember Westerlund noted this was performance-based and his concern was the actual ability of the EDC to reach the goals, and questioned if EDC felt the goals were attainable and if they could live with a funding shortfall if goals are not reached 8-9 months down the road, with EDC CEO Spaur responding. Mr. Spaur and Mr. Ruiz responded to questions, comments, and/or concerns of Councilmember Boyajian and President Dages relative to the creation of jobs, who takes credit for the jobs created and how that is evaluated, collaborative efforts, if regular communication occurs with the Redevelopment Agency, goals and actual number of jobs that were created last year, if the RJJ's job goal has changed, reason for the sudden increase in the number of jobs, accountability and confidentiality, and concern with giving the EDC \$180,000 and interested companies being kept confidential. Councilmember Duncan expressed his support, seconded the motion on the floor, and thanked all parties; stated there were reasons for confidentiality and explained; and stated there were challenges with economic development and he was impressed with EDC's work and the changes he's seen. Councilmember Sterling expressed her support for continued funding and stated she would do more to ensure EDC is aware of any potentials, and agreed with Councilmember Boyajian that EDC needed to be present at the Las Vegas convention as people did not know about Fresno and the city needed to become a visible player.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the FY 2006 Agreement with the Economic Development Corporation Serving Fresno County (EDC) hereby approved, and the City Manager or his designee authorized to execute the Agreement on behalf of the City, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund
Noes :	Dages
Absent :	None

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**(9:50 A.M.) HEARING ON REZONE APPLICATION NO. R-05-11 AND ENVIRONMENTAL FINDINGS FILED BY THOMPSON-HYSELL ENGINEERING N BEHALF OF DENNIS BENNETT, PROPERTY LOCATED ON BOTH SIDES OF E CHURCH AVENUE ALIGNMENT BETWEEN S. MINNEWAWA AND S. CLOVIS AVENUE**

**1. CONSIDER AND ADOPT E.A. NO. R-05-11/T-5466, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR**

**2. BILL NO. B-102 - ORDINANCE NO. 2005-103 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-5/UGM TO R-1/UGM TO ALLOW FOR THE DEVELOPMENT OF A 41-LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION**

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Sanchez gave an overview of the issue, all as contained in the staff report as submitted, and recommended approval.

Upon call, no one else wished to be heard and President Dages closed the hearing.

Chief Assistant City Attorney Sanchez responded to questions/comments of Councilmember Boyajian and/or clarified issues relative to concern with boot-strapping on the general plan EIR, whether the city attorney's office reviews/evaluates projects and documents, the process followed for the finding of conformity, disagreement with the finding, request that the city attorney's office review Oro Gold and City of Antioch court cases, and saying an EIR is not needed being inconsistent with CEQA.

On motion of President Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the environmental finding for E.A. Nos. R-05-11/T-5466 dated June 16, 2005, that the project proposal conforms to the provisions of the 2025 Fresno General Plan MEIR hereby approved, and the above entitled Bill No. B-102 rezoning the subject property adopted as Ordinance No. 2005-103, by the following vote:

Ayes :	Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
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Noes : Boyajian  
Absent : None

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**(10:00 A.M. #2) HEARING ON ALTERING THE MAXIMUM SPECIAL TAX AND APPROPRIATIONS LIMIT FOR CFD NO. 2, ANNEXATION NO. 93, TRACT 5141**

**1. RESOLUTION NO. 2005-394 - AUTHORIZING THE LEVY OF AMENDED SPECIAL TAX AND SETTING AN AMENDED APPROPRIATIONS LIMIT**

**2. RESOLUTION NO. 2005-395 - CALLING A SPECIAL MAILED-BALLOT ELECTION**

**3. RESOLUTION NO. 2005-396- DECLARING ELECTION RESULTS**

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**4. RESOLUTION NO. 2005-397- CHANGING THE SPECIAL TAX**

**5. BILL NO. B-103 - ORDINANCE NO. 2005-104 - AMENDING AND MODIFYING ORD. 2005-55 AND LEVYING AN AMENDED SPECIAL TAX FOR TAX YEAR 2005-2006**

President Dages announced the time had arrived to consider the issue and opened the hearing. Senior Engineering Technician Paff gave an overview of the issue **(4 - 0)**, all as contained in the staff report as submitted, and recommended approval.

Speaking to the issue were: Barbara Hunt, 2475 S. Walnut, support; and Les Peterson, Cambridge Homes, who clarified only the land cover was being substituted to reduce the assessment to the homeowner.

Upon call, no one else wished to be heard and President Dages closed the hearing.

Councilmember Calhoun noted the land cover was being changed to shrub-style landscaping and stated he had a concern that the city would be unable to maintain even that, and challenged staff and developers to come up with alternative landscaping options/models such as zero-scape, with Public Works Director Healey responding. A motion was made to approve staff's recommendation. Mr. Peterson responded to questions and concerns of Councilmember Westerlund relative to changes made and the matter having to be brought before Council twice, if the developer was originally aware of landscaping costs, if costs were similar to other cities, and the perception of this being buyer's remorse.

On motion of Councilmember Calhoun, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution Nos. 2005-394, 2005-395, 2005-396 and 2005-397 hereby adopted, and the above entitled Bill No. B-103 adopted as Ordinance No. 2005-104, by the following vote:

Ayes : Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
Noes : Boyajian  
Absent : None

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**(10:15 A.M.) HEARING TO CONSIDER THE VACATION OF A PORTION OF N. BRYAN AVENUE NORTH OF W. BARSTOW AVENUE - R.I. 1044-D**

**1. RESOLUTION NO. 2005-398 - ORDERING THE VACATION OF THE ABOVE**

President Dages announced the time had arrived to consider the issue and opened the hearing. Supervising Engineering Technician Polsgrove gave an overview of the issue, all as contained in the staff report as submitted, and recommended approval.

Speaking to the issue and in support were: Jeff Roberts, Granville, Homes, and Barbara Hunt, 2475 S. Walnut.

Upon call, no one else wished to be heard and President Dages closed the hearing.

Mr. Roberts responded briefly to questions of Councilmember Boyajian relative to what was being done and if the street would be closed.

On motion of Councilmember Calhoun, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution No. 2005-398 hereby adopted, by the following vote:



Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : None

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**(10:35 A.M.) HEARING ON CFD NO. 2, ANNEXATION NO. 98, FINAL TRACT MAP NO. 5261**

- 1. RESOLUTION NO. 2005-399 - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF A SPECIAL TAX**
- 2. RESOLUTION NO. 2005-400 - CALLING A SPECIAL MAILED-BALLOT ELECTION**
- 3. RESOLUTION NO. 2005-401 - DECLARING ELECTION RESULTS**
- 4. BILL NO. B-104 - ORDINANCE NO. 2005-105 - LEVYING A SPECIAL TAX FOR 2005-2006 AND FUTURE TAX YEARS**

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**5. RESOLUTION NO. 2005-402 - APPROVING THE FINAL MAP OF TRACT NO. 5261 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, SOUTHWEST CORNER OF E. COPPER AND N. MAPLE AVENUES**

President Dages announced the time had arrived to consider the issue and opened the hearing. A motion and second was made to approve staff's recommendation.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

Upon call, no one else wished to be heard and President Dages closed the hearing.

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution Nos. 2005-399, 2005-400, 2005-401 and 2005-402 hereby adopted; the above entitled Bill No. B-104 adopted as Ordinance No. 2005-105; and the Public Works Director authorized to execute the Subdivision Agreement and the Statement of Covenants Affecting Land Development for the Maintenance of Landscaping, Irrigation Systems, Decorative Street lights, Entry Walls and Lights, Exit Gates and Stamped Concrete Paving; the Public Utilities Director authorized to execute the Statement of Covenants Affecting Land Development Providing Special Solid Waste Disposal Services; and the Planning & Development Director authorized to execute the Statement of Covenants Affecting Land Development Deferring Certain Sewer Connection Charges, Water Connection Charges, Urban Growth Management Fees and Development Fees to the Time of Issuance of Certificate of Occupancy and Creation of Lien, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : None

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**(10:45 A.M.) HEARING TO CONSIDER THE FORMATION OF CFD NO. 14, FINAL TRACT MAP NO. 5350 (RUNNING HORSE MAINTENANCE)**

- 1. RESOLUTION - FORMING CFD NO. 14/TRACT 5350 AND AUTHORIZING THE LEVY OF A SPECIAL TAX**
- 2. RESOLUTION - CALLING A SPECIAL MAILED-BALLOT ELECTION**
- 3. RESOLUTION - DECLARING ELECTION RESULTS**
- 4. BILL - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2005-2006 AND FUTURE TAX YEARS**

President Dages announced the time had arrived to consider the issue and opened the hearing.

Senior Engineering Technician Paff advised the necessary documents were not ready and recommended the hearing be continued one week.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

On motion of Councilmember Sterling, seconded by Councilmember Perea, duly carried, RESOLVED, the hearing on the formation of CFD No. 14 continued to September 27, 2005, at 10:20 a.m., by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : None

Absent : None

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**LUNCH RECESS - 11:15 A.M. - 2:01 P.M.**

**(2:00 P.M. #1) CONTESTED CONSENT CALENDAR ITEMS:**

**(1-K) RESOLUTION NO. 2005-403** - AUTHORIZING THE PURCHASE OF A COMBINATION SPRINKLER/FIRE SAFETY HOUSE FLT WITH ENTERTAINMENT CENTER UNIT FOR THE FIRE DEPARTMENT FROM MOBILE CONCEPTS BY SCOTTY, INC., AT A COST NOT TO EXCEED \$84,200, AND WAIVING THE COMPETITIVE BIDDING PROCESS

Councilmember Westerlund stated he did not feel Department of Homeland Security grant funds should be used for this type of activity and questioned if the grant was written specifically for this purpose, with City Manager Souza responding and clarifying issues.

**146-73**

**9/20/05**

Councilmember Westerlund stated in terms of being prepared for a security or terrorist attack he had a real problem with the federal government allowing the money to be spent on this, and stated he did not see the connection here, he felt this was not in the spirit of where the grant funds were supposed to go, and made a motion to deny, which motion died for lack of a second. Councilmember Duncan clarified the purpose of this was to train/educate the public on how to safely evacuate a smoke-filled building and the grant application was made and the federal government approved it, and made a motion to approve staff's recommendation. Councilmember Calhoun stated he would support the motion but Councilmember Westerlund raised a legitimate point, stated since 9/11 Congress was going through a process of trying to further define where these monies properly belong, and he hoped the President and Congress would continue to define this so the users do not spend the funds improperly.

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution No. 2005-403 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Dages  
 Noes : Westerlund  
 Absent : None

At this point Contested Consent was briefly interrupted and the public comment period was reopened to hear the speaker scheduled for 9:00 a.m.

**(9:00 A.M. "A") PUBLIC COMMENT PERIOD - SCHEDULED COMMUNICATION:**

**2. APPEARANCE BY ERIC WARDWELL TO REQUEST COUNCIL ACTION RELATING TO ILLEGAL ALLEY DUMPING AND HOMEOWNERS' RESPONSIBILITY FOR KEEPING ALLEYS CLEAN**

Appearance made; no action taken.

Contested Consent proceedings continued.

**(1-C) APPROVE A LEASE AGREEMENT WITH BUDGET RENT-A-CAR SYSTEMS, INC., TO OCCUPY PREMISES AT THE FRESNO YOSEMITE INTERNATIONAL AIRPORTS**

Councilmember Calhoun noted Budget Rent A Car would be getting less space due Airports Public Safety requiring more space, stated his concern was the City not being business friendly, and upon his question Deputy Airports Director Card confirmed Budget was supportive/agreeable with leasing less square footage as they did not need all the office space they currently had.

On motion of Councilmember Calhoun, seconded by Councilmember Westerlund, duly carried, RESOLVED, THE Lease Agreement with Budget Rent A Car Systems, Inc. Hereby approved, and the Director of Aviation authorized to execute the same on behalf of the City, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : None

**(1-G) RESOLUTION NO. 2005-404 - AUTHORIZING APPLICATION FOR AND ACCEPTANCE OF GRANT FUNDS FROM THE U.S. EPA TO PARTIALLY COVER COSTS OF ENGINEERING AND ENVIRONMENTAL STUDIES FOR THE SURFACE WATER CONVEYANCE PIPELINE FROM THE CITY'S SURFACE WATER TREATMENT FACILITY TO THE FRIANT-KERN CANAL, AND AUTHORIZING THE DIRECTOR OF PUBLIC UTILITIES TO EXECUTE ALL NECESSARY DOCUMENTS**

Noting the \$11.4 million cost to construct the pipeline Councilmember Boyajian presented questions relative to whether the State Center Community College District (SCCCD) or the Clovis Unified School District (CUSD) would be contributing financially, what the project entailed, if the SCCC and CUSD would be the major users of this water, and if the pipeline project would have occurred whether or not the two entities constructed their respective campuses, with Assistant Public Utilities Director Martin responding.

On motion of Councilmember Boyajian, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2005-404 hereby adopted, and the Director of Public Utilities authorized to execute all necessary documents on behalf of the City, by the following vote:

**146-74**

**9/20/05**

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : None

**(1-I) REJECT ALL BIDS FOR THE FRESNO CHANDLER EXECUTIVE AIRPORT STORM DRAIN PROJECT**

Deputy Airports Director Card responded to questions of Councilmember Boyajian relative to how the bids exceeded the Engineer's estimate by so much, how staff was planning for a decrease **(5 - 0)**, and if this was an emergency situation.

On motion of Councilmember Boyajian, seconded by Councilmember Westerlund, duly carried, RESOLVED, the two bids received for the project hereby rejected because they exceed the Engineer's estimate by 107% and 132% respectively, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : None

**(1-V) AWARD A REQUIREMENTS CONTRACT TO SOUTHERN COUNTIES OIL CO. FOR 87 OCTANE UNLEADED GASOLINE**

Councilmember Calhoun noted only one bid was submitted and he had no idea whether the \$5,345,907 cost was reasonable, questioned if this bid absolutely had to be accepted, if the cost was reasonable to meet the city's needs, what "rack price" was, how this price compared to what was paid the past couple of years and if Hurricane Katrina affected the cost, and why only one proposal was received out of 12 prospective bidders, with Fleet Manager Hunt responding throughout and clarifying this was a two-year contract with three potential one year extensions for a total of five years. A motion and second was made to approve staff's recommendation. Mr. Hunt and City Manager Souza responded to questions and comments of Councilmembers Boyajian and Calhoun relative to whether the city has used Southern Counties Oil Co. in the past, who had this contract before, criteria, and need for staff to submit more detailed reports in the future on complicated matters.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, a two-year contract in the amount of \$5,345,907.04 for 87 octane unleaded gasoline hereby awarded to Southern Counties Oil Co. of Orange, CA, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : None

**(1-W) AUTHORIZE THE PARKS, RECREATION AND COMMUNITY SERVICES DEPARTMENT TO LEASE-PURCHASE TWO TRACTORS, TWO TRUCKS AND ONE MOWER FOR THE MAINTENANCE OF CITY PARK FACILITIES USING THE CITY'S MASTER LEASE AGREEMENT**

Parks & Recreation Director Cooper, Finance Manager Melikian, City Manager Souza and Assistant P & R Director Haynes

responded to questions and/or comments of Councilmembers Westerlund and Sterling relative to what staff was requesting, if the \$170,000 was an annual cost or divided over a number of years, what type of tractors and trucks were being purchased, what was at issue/Council would be approving here, need for more detailed information in staff reports, and if the nearby open space by Habitat for Humanity would now be taken care of.

On motion of Councilmember Westerlund, seconded by Councilmember Perea, duly carried, RESOLVED, the lease-purchase of two tractors, two trucks, and one mower using the City's Master Lease Agreement hereby authorized, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : None

**(1-Y) RESOLUTION NO. 2005-405 - APPROVING THE TRANSFER OF REAL PROPERTY LOCATED AT 3654 E. SANTA ANA AVENUE FROM THE CITY OF FRESNO TO COMPREHENSIVE YOUTH SERVICES, INC. (CYS) FOR THE PURPOSE OF PROVIDING PROTECTIVE SERVICES TO FRESNO CHILDREN**

**146-75**

**9/20/05**

Councilmember Calhoun spoke to the history of the issue and questioned/commented on what this action would do, if there were other organizations out there who may want the same deal, number of other similar contracts/properties, the unusual arrangement being of concern and not CYS, and concern with others coming forward, with Parks & Recreation Director Cooper, City Attorney Montoy and Deputy Recreation Manager Epperson responding throughout. Councilmember Duncan briefly left the meeting at 2:57 p.m. during questioning.

On motion of Councilmember Sterling, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution No. 2005-405 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Perea, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : Duncan

**(1-BB) DESIGNATING THE CITY MANAGER AS THE CITY VOTING DELEGATE TO THE LEAGUE OF CALIFORNIA CITIES (LCC) ANNUAL BUSINESS MEETING SET FOR OCTOBER 8, 2005**

Councilmember Duncan returned to the meeting at 3:00 p.m. Councilmember Boyajian stated he was hoping to designate a council member and questioned if anyone else could be appointed or just the city manager, with Mayor Chief of Staff White and City Attorney Montoy responding and clarifying the difference between a voting delegate and Board member and issues relative to filling the Board vacancy which Mayor Autry resigned from.

Jose Luis Barraza, 4243 E. Thomas, stated the Mayor should not have resigned for political reasons as the Board position was an important one.

Upon question of Councilmember Calhoun, Ms. White stated the Mayor's appointment to the Board was automatic and explained.

On motion of Councilmember Perea, seconded by Councilmember Duncan, duly carried, RESOLVED, City Manager Andrew T. Souza hereby appointed the City's Voting Delegate for the LCC annual business meeting, by the following vote:

Ayes : Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : Boyajian  
 Absent : None

**(1-DD) BILL NO. B-91 - ORDINANCE NO. 2005-106 - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO BUILDING REGULATIONS (ELECTRICAL)**

Councilmember Boyajian stated the staff report lacked information and upon question Building and Safety Services Manager

Bishop explained what was at issue and what was being amended.

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, the above entitled Bill No. B-91 adopted as Ordinance No. 2005-106, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : None

**(2:00 P.M. #1-A) RESOLUTION NO. 2005-406 - APPROVING A FREEWAY AGREEMENT WITH CALTRANS FOR FREEWAY 180 FROM CHESTNUT AVENUE TO WEST OF TEMPERANCE AVENUE, AND AUTHORIZING THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO SIGN THE AGREEMENT ON BEHALF OF THE CITY** *(Pulled from the August 30, 2005, consent calendar for consideration on September 20, 2005)*

During the morning session Councilmember Boyajian advised he had already discussed the matter with staff and was ready to approve.

On motion of Councilmember Boyajian, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2005-406 hereby adopted, by the following vote:

**146-76**

**9/20/05**

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : None

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**(2:30 P.M.) APPEARANCE BY KARIN CHAO-BUSHOVEN OF COURT APPOINTED SPECIAL ADVOCATES (CASA) OF FRESNO COUNTY, TO REQUEST FUNDS IN THE AMOUNT OF \$18,600 FOR THE CASA ADVOCACY PROGRAM - PRESIDENT DAGES**

President Dages and Ms. Chao-Bushover submitted written material to Council, gave an overview of the issue and stressed this funding would be for the children, and explained what CASA does, CASA's proposal, and their need for the funds **(6 - 0)**. President Dages made a motion to approve \$18,600 from the general fund Vehicle License Fee (VLF) reimbursement noting \$2 million of the reimbursement was unallocated. The motion was seconded by Councilmember Perea.

Lengthy discussion ensued. Councilmember Calhoun stated CASA was a fine organization but the issue with him was timing, the process, and fairness. Councilmember Boyajian spoke to his belief in social service programs and funding, stated he was on the losing side in funding the organizations this year and elaborated, and stated a lot of great organizations did not receive any funds and named many of them. Councilmember Sterling spoke to her concern with the social service funding issue this year, stated she was unaware that \$2 million was "sitting in a pot" and questioned what that money was allocated for (with President Dages and City Manager Souza responding), and requested staff place on the agenda next an item to take \$500,000 from the unallocated VLF funds and allocate \$18,600 to CASA and the remaining funds to some of the organizations that were not funded.

Ms. Montoy recommended President Dages' motion be amended to direct staff to return with an appropriation resolution stating this constituted a budget amendment, and added 4 votes would be needed today for direction and 5 votes would be needed to adopt the resolution, which was accepted by President Dages.

Discussion continued. Councilmember Duncan stated he agreed with Councilmember Calhoun stating this request should have come through the budget process and not this way, clarified issues relative to social service funding stating the process was done in a different way this year and explained, and concluded stating the current process was working and he saw no justification to change it. Mr. Souza advised he spoke with the Mayor and he would not support undoing the decision made and would also recommend against reallocating the VLF funds. Councilmember Sterling stated she would support the motion as sometimes Council needs to step out of the box, and spoke to the social service application process she and Councilmember Perea went through and offered to do it again. Councilmember Duncan urged council members who want to use their infrastructure budgets to fund these types of matters. Councilmember Boyajian acknowledged the funding process did change but stated he did not know which organization were getting

money, and reiterated there were a lot of good organizations out there and it was sad the city could not fund them all.

A motion of President Dages, seconded by Councilmember Perea, to direct staff to return with an appropriation allocating \$18,600 to CASA from the general fund Vehicle License Fee (VLF) reimbursement funds failed, by the following vote:

Ayes	:	Perea, Sterling, Dages
Noes	:	Boyajian, Calhoun, Duncan, Westerlund
Absent	:	None

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**(2:45 P.M.) RESOLUTION NO. 2005-407 - REQUESTING ASSISTANCE IN HELPING PROTECT THE SAN JOAQUIN VALLEY'S ECONOMIC WELL-BEING AND THE SAN JOAQUIN RIVER FLOW AND RELEASE ISSUES - PRESIDENT DAGES**

President Dages gave opening remarks stating a lawsuit was filed a few months ago and a court order was issued to release water from the Friant Dam for fishery restoration purposes, and stated it was his opinion the court order could create drastic reductions in the Friant division water supply qualities and reliability that would eventually lead to severe negative impacts to the city and the entire valley.

Speaking further to the issue, including the litigation and restoration efforts, and in support of the resolution were an unidentified gentleman (first name Patrick); Ron Jacobs, General Manager of the Friant Water Users Authority, representing 22 CVP contractors; Mario Gonzales; and Mayor Chief of Staff White, who also spoke to how the Mayor was involved in this issue.

**146-77**

**9/20/05**

Councilmember Calhoun stated this was a legitimate issue to discuss but he felt the matter was inadequately noticed, stated he did not see both sides of the issue here for an informed debate/discussion, stated he was uncomfortable voting on this today and added he just now found out who drafted the resolution, noted he was the city representative on the San Joaquin River Conservancy and he wanted to schedule this matter on their agenda, and made a motion to table the matter one month so it could be duly noticed, obtain input from the various interested parties, and bring the resolution back for action, which motion died for lack of a second.

A motion and second to adopt the resolution was made and acted upon after additional discussion with City Attorney Montoy and an unidentified Friant representative responding to questions of Councilmember Boyajian relative to the litigation and status, who the resolution would be submitted to, if the plan was to implement the decision of the appellate court judge, and if the intent was to include stakeholders in the implementation **(7 - 0)**.

On motion of President Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2005-407 hereby adopted, by the following vote:

Ayes	:	Boyajian, Duncan, Perea, Sterling, Westerlund, Dages
Noes	:	None
Absent	:	None
Abstain	:	Calhoun

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**(3:00 P.M.) HEARING ON REZONE APPLICATION NO. R-04-59 AND ENVIRONMENTAL FINDINGS FILED BY GARY GIANNETTA CIVIL ENGINEERING AND LAND SURVEYING, ON BEHALF OF REXFORD DEVELOPMENT LLC, PROPERTY LOCATED ON THE SOUTH SIDE OF THE W. BARSTOW AVENUE ALIGNMENT EAST OF THE VETERAN'S BOULEVARD ALIGNMENT AND EAST OF THE N. BRYAN AVENUE ALIGNMENT**

**1. CONSIDER AND ADOPT E.A. NO. T-5363/R-04-59, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR**

**2. BILL NO. B-105 - ORDINANCE NO. 2005-107 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM AE-5/UGM TO R-1/UGM**

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Brock gave an overview of the issue, all as contained in the staff report as submitted, and recommended approval.

Upon call, no one wished to be heard and President Dages closed the hearing.

Councilmember Calhoun stated he saw no problems with this and made a motion to approve staff's recommendation.

Councilmember Boyajian stated his opposing comments also related to the following 3:10 p.m. item, spoke to the two court cases he referenced earlier during consideration of the 9:50 a.m. item and stated you can not boot-strap an EIR, expressed concerns that comments of the West Area Committee are not included in the staff report and the cumulative impacts of these two major project were not being looked at stressing the projects would affect the environment, and stated he would oppose both projects and added a plan with Fresno County was needed for the west area. Councilmember Duncan left the meeting at 4:07 p.m. during Councilmember Boyajian's comments and returned later in the meeting and after the vote on this item President Dages advised Councilmember Duncan left to give a speech on the Constitution. Councilmember Calhoun stated he was not an attorney and he moved for approval based on staff's recommendation, stated he gets "the guilts" each time Councilmember Boyajian brings these concerns up, and stated staff needed to tell Council if Councilmember Boyajian was right or wrong. City Attorney Montoy stated she disagreed with Councilmember Boyajian and her office did respond in writing to his allegations last June and submitted the response to Council, and spoke further to the two court cases. Councilmember Boyajian stated he disagreed with the city attorney and questioned if Caltrans was familiar with the court cases (with Caltrans representatives Moses Stites and Joann Strubic responding), reiterated his concern with boot-strapping an EIR, and elaborated on his interpretation of the court cases.

On motion of Councilmember Calhoun, seconded by Councilmember Westerlund, duly carried, RESOLVED, the environmental finding for E.A. No. R-04-059/T-5363, dated June 16, 2005, that the project proposal conforms to the provisions of the General Plan MEIR hereby approved, and the above entitled Bill No. B-105 adopted as Ordinance No. 2005-107, by the following vote:

Ayes :	Calhoun, Perea, Sterling, Westerlund, Dages
Noes :	Boyajian
Absent :	Duncan

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**146-78**

**9/20/05**

**(3:10 P.M.)** HEARING ON REZONE APPLICATION NO. R-05-17 AND ENVIRONMENTAL FINDINGS, FILED BY QUAD KNOPF ON BEHALF OF LEMLEY LAND SALES, INC. AND CENTEX HOMES, PROPERTY LOCATED ON THE NORTHEAST CORNER OF N. BRYAN AND THE W. GETTYSBURG AVENUE ALIGNMENT

**1. CONSIDER AND ADOPT E.A. NO. R-05-17/T-5493, FINDING IF CONFORMITY TO THE MEIR FOR THE GENERAL PLAN**  
**2. BILL NO. B-106 - ORDINANCE NO. 2005-108 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM R-R TO R-2/UGM FOR THE NORTHERLY 10 ACRES AND R-1/UGM FOR THE SOUTHERLY 46 ACRES**

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Chamberlain reviewed the issue as contained in the staff report as submitted and recommended approval.

Dennis Gaab, Centex Homes, thanked staff for their cooperation and stated the project was consistent with the general plan and requested approval.

Upon call, no one else wished to be heard and President Dages closed the hearing.

Councilmember Calhoun made a motion to approve and pointed out the vicinity map incorrectly showed the Southern Pacific Railroad running along the south side of the site.

Councilmember Boyajian made his opposing comments during the 3:00 p.m. item

On motion of Councilmember Calhoun, seconded by Councilmember Perea, duly carried, RESOLVED, the environmental finding for E.A. No. R-05-17/C-05-81/T-5493, dated July 28, 2005, that the project proposal conforms to the provisions of the General Plan MEIR hereby approved, and the above entitled Bill No. B-106 adopted as Ordinance No. 2005-108, by the following vote:

Ayes :	Calhoun, Perea, Sterling, Westerlund, Dages
Noes :	Boyajian
Absent :	Duncan

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**(3:15 P.M.)** HEARING ON REZONE APPLICATION NO. R-05-02 AND ENVIRONMENTAL FINDINGS, FILED BY DUNMORE HOMES ON BEHALF OF FRANK & HERKY URABE, WILLIAM & BARBARA GRAHAM, UREKA HERR & NZUE SIONG,

ROLAND PEEK, TERRY & PAM CARTER, ROSEMARY RENDON, ROBERT & BENNIE LEININGER, LENNIE & DOLORES HILL, AND JAMES DIRLAM, PROPERTY LOCATED ON TH NORTH SIDE OF E. DAKOTA BETWEEN N. TEMPERANCE AND N. ARMSTRONG AVENUES

1. CONSIDER AND ADOPT E.A. NO. R-05-02/T-5461/C-05-22, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR
2. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-A/UGM AND R-A TO R-1/UGM

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Braun reviewed the issue as contained in the staff report as submitted and recommended approval.

Dirk Poeschel, 923 Van Ness, representing Dunmore Homes, stated the project was consistent with the general plan and requested approval, and responded to questions of Councilmember Westerlund relative to whether this project had been presented to Council once before and if there were two different designations. Councilmember Westerlund stated he wanted to meet with the developer to discuss the project and made a motion to continue one week.

On motion of Councilmember Westerlund, seconded by Councilmember Calhoun, duly carried, RESOLVED, the hearing on R-05-02 continued one week to September 27, 2005, at 10:30 a.m., by the following vote:

Ayes :	Boyajian, Calhoun, Sterling, Westerlund
Noes :	Perea, Dages
Absent :	Duncan

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**(3:30 P.M.)** CONTINUED HEARING ON REZONE APPLICATION NO. R-04-104 AND ENVIRONMENTAL FINDINGS, FILED BY CLIFFORD TUTELIAN ON BEHALF OF PARK PLACE HOLDINGS, PROPERTY LOCATED ON THE SOUTHWEST CORNER OF N. PALM AND W. NEES AVENUES

1. CONSIDER AND ADOPT A FINDING OF MITIGATED NEGATIVE DECLARATION FOR E.A. NO. R-04-104/C-04-318

**146-79**

**9/20/05**

2. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM AE-20/UGM TO C-P/UGM

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Rodriguez gave an in-depth PowerPoint presentation of the project and recommended approval.

Bill Brewer, Motschieder, Michaelides & Wishon, 1690 W. Shaw, representing the applicant, stated they were in total agreement with staff except for the condition to provide public access to the river bottom and requested that condition be deleted stating it was unlawful, unreasonable, and would be devastating to the project and elaborated, and also respectfully requested Councilmember Calhoun recuse himself from the proceedings due to existing access to the river bottom close to Councilmember Calhoun's home and the Conservancy owning that access. Councilmember Duncan returned to the meeting at 4:43 p.m. during Mr. Brewers testimony.

Upon call, no one else wished to be heard and President Dages closed the hearing.

City Attorney Montoy requested Council continue the hearing so her office could conduct additional research on the condition being challenged. Councilmember Calhoun stated he would insist the hearing be continued as questions/accusations were raised by Mr. Brewer and made a motion to table the matter until the city attorney reports back, which motion was seconded by Councilmember Duncan. Brief discussion ensued on whether to table the hearing, continue the entire hearing, or complete the hearing process this date and added she would provide advice on the condition raised at the next meeting. Councilmember Calhoun stated he was prepared to take action but now he was not prepared to take any action, make any comments or recuse himself after what Mr. Brewer said, and stated he would support hearing public testimony. Relative to Mr. Brewer's recusal request and upon question of Ms. Montoy Councilmember Calhoun stated he did not live within 500 feet of this particular development. By Council consensus the hearing continued to allow those in attendance to speak **(8 - 0)**.

Speaking to the issue were: Applicant Clifford Tutelian, who apologized to Councilmember Calhoun for comments that may have upset him and spoke at length to his project; Melinda Marks, San Joaquin River Conservancy, who spoke to their request for dedicated river bottom access; Sharon Weaver, San Joaquin River Parkway and Conservation Trust, who stated they were willing to work cooperatively with the applicant to find a good solution to provide some access to the project site that all can agree on; and Doug Nelson, Acting Madera County Counsel, and Ray Beach, Madera County Planning Director and staff member to the San Joaquin Regional Transportation Coordination Committee, who requested Council disapprove the environmental findings and explained their concerns with the project.



Upon call, no one else wished to be heard and President Dages closed the public hearing.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the hearing on Rezone Application No. R-04-104 officially closed and Council deliberation continued to October 4, 2005, at 3:30 p.m., by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes	:	None
Absent	:	None

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# **RECESS - 5:10 P.M. - 5:22 P.M.**

**(4:00 P.M.)** CONTINUED HEARING RELATING TO THE ESTABLISHMENT OF THE NEW QUIMBY ACT PARKLAND DEDICATION FEE, NEW PARKS FACILITY FEE, NEW POLICE FACILITY FEE, CITYWIDE FIRE FACILITY IMPACT FEE, AND RELATED ENVIRONMENTAL EXEMPTION AND CONFORMITY WITH THE GENERAL PLAN AND IMPACT FEE STUDIES

1. APPROVE CEQA DETERMINATION FOR STATUTORY EXEMPTION AND FEE STUDIES ESTABLISHING A NEW QUIMBY PARKLAND DEDICATION FEE AND CITYWIDE PARKS, POLICE AND FIRE FACILITY IMPACT FEES
2. **BILL NO. B-107** - BILL FOR INTRODUCTION ADDING TO THE FRESNO MUNICIPAL CODE REQUIRING THE DEDICATION OF PARKLAND OR PAYMENT OF FEES IN LIEU THEREOF AS A CONDITION OF APPROVAL OF RESIDENTIAL SUBDIVISIONS
3. **BILL NO. B-108** - BILL FOR INTRODUCTION ADDING TO THE FRESNO MUNICIPAL CODE ESTABLISHING A PARK FACILITIES FEE
4. **BILL NO. B-109** - BILL FOR INTRODUCTION ADDING TO THE FRESNO MUNICIPAL CODE ESTABLISHING A POLICE FACILITIES FEE
5. **BILL NO. B-110** - BILL FOR INTRODUCTION ADDING TO THE FRESNO MUNICIPAL CODE ESTABLISHING A FIRE FACILITIES FEE
6. APPROVE CONFORMITY WITH THE GENERAL PLAN AND IMPACT FEE STUDIES

146-80

9/20/05

President Dages announced the time had arrived to consider the issue and opened the hearing.

Public Works Director Healey, City Attorney Montoy and City Consultant Bob Spencer, MuniFinancial, recognized key individuals that were involved in this issue, gave an overview of the issue and explained the matters that were before Council this date for action and what would be brought back next week for action, advised staff was recommending Council concur that Option 2 is the level of capital investment that is appropriate to meet the 2025 General Plan, and gave an overview of the fee reports and fees.

Speaking to the issue were: Jose Luis Barraza, 4243 E. Thomas, member of the Fresno Housing Alliance and Co-Chair of the Housing Partnership for the Disabled, who expressed concern with the rising cost of housing and recommended a housing trust fund be established to assist people; Mike Prandini, Executive Officer for the Building Industry Association of the San Joaquin Valley (BIA), who spoke to the need for a parks master plan and involve the BIA, and stated they objected to the method of calculation for police and fire fees; Attorney Greg Sanders, representing the BIA, concurred with Mr. Prandini's statements and added they believed the police and fire fees disproportionately relied on new development to upgrade existing facilities and requested the city work with the BIA to bring back a produce that everyone can live with; and Jeff Roberts, on behalf of Granville Homes, who echoed Mr. Prandini's comments, stated he was supportive of the fee increases, spoke to the need for a parks and trails master plan, and recommended Council review fees annually.

Upon call, no one else wished to be heard and President Dages closed the hearing.

Councilmember Boyajian made a motion to approve staff's recommendation for items 1 - 6 above, stated he disagreed with the BIA and explained, and commended staff on the issue and elaborated issues including peripheral development, infrastructure needs, the renaissance of inner-city development, affordable housing, and these fees not going far enough. Councilmember Perea also spoke to inner-city (IC) development and requested planning staff provide information on the trends of IC development and if increased fees are increasing, decreasing or keeping development the same, and noted the Parks Facility Master Plan showing the different quadrants of the city did not include central Fresno, with Parks & Recreation Director Cooper responding. Councilmember Duncan expressed concerns stating back in January he requested a fee workshop be held in June to get information, it was never held, and now a major fee program was before Council; **(9 - 0)** upon his question City Attorney Montoy clarified Council would decide next week on the option for the new

citywide Police and Fire Impact fees by choosing either Option I or II and noted staff was recommending Option II; spoke to the need for a master plan, stated the document submitted was in no way, shape or form a master plan; questioned if Council could place a condition on the parks ordinances that not one cent would be spent until a master plan was approved and questioned if Council had to approve a plan (with Ms. Montoy and Assistant City Attorney Hale responding); seconded the motion on the floor and reiterated he did not want any money spent until a parks master plan was in place; and added a lot of money would be generated to build parks but he was not seeing any on-going maintenance plans and stated he wanted to see one. Councilmember Sterling requested Mr. Healey work with Mr. Barraza and look into his recommendation for a housing trust fund. Councilmember Westerlund expressed his support stating this was a long time coming, stated adjustments needed to be made bi-annually or annually, stated the piece that was missing was the important street impact fee and questioned when that fee would be coming forward, and presented additional questions and comments relative to the fees, fee structures, adjustment of the utilities fee, need for an understanding of the entire package, the options for the fire and police fees and how it would funded, and concern with how new parks would be maintained, with Mr. Healey and Assistant City Manager Ruiz responding throughout.

On motion of Councilmember Boyajian, seconded by Councilmember Duncan, duly carried, RESOLVED, CEQA determination for statutory exemption and fee studies establishing a new Quimby Parkland Dedication fee and Citywide Parks, Police and Fire Facility Impact fees hereby approved; the above entitled Bill Nos. B-107, B-108, B-109 and B-110 introduced before the Council and laid over; and conformity with the General Plan and Impact Fee Studies hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes	:	None
Absent	:	None

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The City Council recessed at 6:08 p.m. and convened in joint session with the Redevelopment Agency.

#### **(4:30 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

##### **APPROVE AGENCY MINUTES OF AUGUST 30, 2005**

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the Agency minutes of August 30, 2005, approved as submitted.

**146-81**

**9/20/05**

#### **("A") CONTINUED DELIBERATIONS ON THE CONVENTION CENTER REDEVELOPMENT PLAN**

**("Continued to October 4, 2005, at 4:30 p.m. as noted during "Approve Agenda")**

#### **("B") PROVIDE DIRECTION REGARDING THE "FULTON PARK ROW HOUSES" PROJECT (COUNCIL AND AGENCY ACTION)**

- 1. DIRECT STAFF TO ASSEMBLE APPROXIMATE 1.3 ACRES IN THE UPTOWN DISTRICT FOR THE DEVELOPMENT OF A RESIDENTIAL MIXED USE PROJECT**
- 2. DIRECT STAFF TO PROCEED WITH NEGOTIATIONS FOR AN OWNER PARTICIPATION AGREEMENT TO DEVELOP THE PROJECT "FULTON PARK ROW HOUSES"**
- 3. DIRECT STAFF TO COORDINATE IN A MULTI-AGENCY EFFORT TO MOBILIZE THE RESOURCES NECESSARY TO DEVELOP THE PROJECT TO INCLUDE THE HOUSING AUTHORITY, THE PLANNING & DEVELOPMENT DEPARTMENT HOUSING DIVISION, AND THE PUBLIC WORKS DEPARTMENT**

Executive Director Murphey gave an overview of the issue, all as contained in the staff report as submitted, and recommended approval.

Developer Reza Assemi of Pyramid Homes Assemi Corporation, spoke further to the project, displaying a site plan to illustrate.

Councilmember Perea commended all involved stating this was a major milestone in revitalizing the Uptown District and made a motion to approve staff's recommendation. Councilmembers Calhoun, Sterling, Westerlund and Chair Boyajian spoke briefly and extended their thanks to all involved for the collaborative effort and making this unique and interesting project a reality.

On motion of Councilmember Perea, seconded by Councilmember Sterling, duly carried, RESOLVED, staff directed to proceed with the land acquisition for this project consistent with California Redevelopment Law, bring all related documents for the acquisition

back to the Board for review and approval, coordinate with the multi-agency effort to implement this project including the Public Works Department, Planning & Development Department and the Housing Authority of City of Fresno, and proceed with the negotiation of an owner participation agreement with the owner of the parcel within the proposed site and return to the Board for review and action, by the following vote:

Ayes : Calhoun, Dages, Duncan, Perea, Sterling, Westerlund, Boyajian  
Noes : None  
Absent : None

("C") DIRECTION AND APPROVAL OF MATERS PERTAINING TO JOE' MARKET PROPERTY CONSISTING OF ONE PARCEL LOCATED AT 1264 "A" STREET IN THE SOUTHWEST FRESNO GNRA REDEVELOPMENT PROJECT AREA (AGENCY ACTION)

Redevelopment Director Murphey gave an overview of the issue as contained in the staff report as submitted. A motion and second was made to approve staff's recommendation. Councilmember Sterling noted the West Fresno Vision Plan had an eye on this, this clean up had been on the books for years and was really important, and stated she was thankful the property owner was willing to work with the Agency.

On motion of Councilmember Perea, seconded by Councilmember Sterling, duly carried, RESOLVED, the Executive Director authorized to execute the Purchase Agreement and take such other actions and execute such other documents including, without limitation, deed acceptances, supplemental escrow instructions and instruments that may be necessary to finalize or carry out the intents and purpose of this Agency Board action, subject to approval as to form by the city attorney's office, by the following vote:

Ayes : Calhoun, Dages, Duncan, Perea, Sterling, Westerlund, Boyajian  
Noes : None  
Absent : None

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ADJOURNMENT

There being no further business to bring before the joint bodies, the hour of 6:28 p.m. having arrived and hearing no objections, Chair Boyajian declared the meeting adjourned.

Approved on the 27th day of September, 2005.

\_\_\_\_\_/s/\_\_\_\_\_  
Tom Boyajian, Agency Chair

ATTEST:\_\_\_\_\_/s/\_\_\_\_\_  
Yolanda Salazar, Assistant City Clerk